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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 **MARVIN GLENN HOLLIS,**

15 Plaintiff,

16 v.

17 **E. MEDINA**

18 Defendant.
19

Case No. C 07-2980 THE (PR)

**DECLARATION OF E.
MEDINA IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS AND MOTION FOR
SUMMARY JUDGMENT**

20 I, E. MEDINA, declare as follows:

21 1. I am employed by the California Department of Corrections and Rehabilitation (CDCR)
22 as an Inmate Appeals Coordinator at Salinas Valley State Prison. My job duties include
23 processing inmate appeals (Form CDC 602), assigning appeals to the appropriate staff, and
24 monitoring and maintaining the computer database in the Inmate Appeals Office. I am
25 competent to testify to the matters set forth in this declaration, and if called up to do so, I would
26 and could so testify. I submit this declaration in support of Defendant's Motion to Dismiss and
27 Motion for Summary Judgment.
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1 2. Form CDC 602 appeals that meet the criteria for review under the California Code of
2 Regulations, and have been submitted for review, are recorded in the Inmate Appeals Office
3 computer database. The recording is made at or near the time the inmate appeal is received by
4 me or another employee with personal knowledge of the appeal process. The database is kept in
5 the course of regularly conducted business activity and every effort is made to maintain the
6 accuracy and integrity of each record maintained.

7 3. I have searched the Inmate Appeals Office computer database for all records of appeals
8 filed by inmate Marvin Hollis, CDCR number E37508.

9 4. Attached as Exhibit A is a true and correct copy of the computer printout from the
10 Inmate Appeals Office showing Inmate Hollis' appeals history since 2003 through January 2008.
11 Each of the inmate appeals is assigned an institutional log number by the Inmate Appeals Office
12 when they are assigned to the first level of review. The inmate appeals are tracked by the status
13 reports in Exhibit A.

14 5. On April 18, 2005, inmate Hollis received a Rules Violation Report, number FC05-04-
15 0049, for battery on a peace officer. On January 5, 2006, after the investigation, inmate Hollis
16 received the final Rules Violation Report finding that he was guilty of battery on a peace officer.
17 A true and correct copy of the Rules Violation Report, number FC05-04-0049, is attached as
18 Exhibit B.

19 6. Inmate Hollis appealed the Rules Violation Report, number FC05-04-0049, for battery
20 on a peace officer. Attached as Exhibit C is a true and correct copy of the inmate appeal bearing
21 institutional log number SVSP-06-00380.

22 7. The first level of review for appeal number SVSP-06-00380 was bypassed under Cal.
23 Code Regs. tit. 15, § 3084.5(b).

24 8. On February 22, 2006, the second level of review for appeal number SVSP-06-00380
25 was partially granted, a modification order requested, and the response sent to inmate Hollis. A
26 true and correct copy of the second level appeal response, institutional log number SVSP-06-
27 00380, is attached as Exhibit D.

28 9. On March 8, 2006, the modification order for FC05-04-0049 ordered the Rules

1 Violation Report retyped and reissued within fifteen days. A true and correct copy of the
2 Modification Order is attached as Exhibit E.

3 10. Under the modification order, the Rules Violation Report was reissued and reheard.
4 The reissued Rules Violation Report number is C06-03-0012R. After a new hearing, on
5 December 1, 2006, the final Rules Violation Report, number C06-03-0012R, was sent to inmate
6 Hollis with the finding that he was guilty of battery of a peace officer. Attached as Exhibit F is a
7 true and correct copy of the final reissued Rules Violation Report, number C06-03-0012R.

8 11. On January 3, 2007, inmate Hollis appealed the reissued Rules Violation Report. The
9 appeal number is institutional log number SVSP-D-07-00073. It was screened out for
10 untimeliness. The appeal was not filed within fifteen working days of the event as required by
11 Cal.Code Regs. tit. 15, § 3084.6(c). (See Exh. A, p. 16).

12 12. I agreed to accept Hollis' late appeal, institutional log number SVSP-D-07-00073, at
13 the second level of review and have the merits addressed by a second level appeal response. To
14 date, Hollis has neither accepted the offer nor submitted the appeal, SVSP-D-07-00073, for
15 review.

16 13. Attached as Exhibit G, is a true and correct copy of inmate Hollis' appeal bearing the
17 institutional log number SVSP-D-07-01415, the appeal at issue in this matter. This appeal was
18 received by the inmate appeals office on March 30, 2007. The first level of review was bypassed
19 under Cal. Code Regs. tit. 15, § 3084.5(b). The appeal was forwarded to the Chief Deputy
20 Warden for review. On April 5, 2007, it was rejected and screened out at the first level of
21 review by the Chief Deputy Warden because the prior appeal was untimely. (See Exh. A, p. 17.)

22 14. There are numerous examples in the past two years and around the time of the appeal at
23 issue where I, as the Salinas Valley State Prison inmate appeals coordinator, processed and
24 granted or granted in part appeals submitted by inmate Hollis at the first and second levels of
25 review. (See Exh. A, p. 11-20).

26 15. On November 1, 2006, Hollis filed an appeal bearing institutional number SVSP-C-
27 03339 that was granted in part at the second level of review. (See Exh. A., p. 14-15).

28 16. On November 3, 2006, Hollis filed an appeal bearing institutional number SVSP-C-06-

1 03798 that was granted in part at the first and second levels of review. (See Exh. A., p. 15).

2 17. On November 20, 2006, Hollis filed an appeal bearing institutional number SVSP-C-
3 06-03888 that was granted at the first level of review. (See Exh. A., p. 15).

4 18. On November 21, 2006, Hollis filed an appeal bearing institutional number SVSP-C-
5 06-03573 that was granted in part at the second level of review. (See Exh. A., p. 15).

6 19. On December 1, 2006, Hollis filed an appeal bearing institutional number SVSP-C-06-
7 03698 that was granted in part at the first and second levels of review. (See Exh. A., p. 15).

8 20. On January 4, 2007, Hollis filed an appeal bearing institutional number SVSP-D-07-
9 00098 that was granted in part at the second level of review. (See Exh. A., p. 16).

10 21. On January 24, 2007, Hollis filed an appeal bearing institutional number SVSP-D-07-
11 00349 that was granted at the second level of review. (See Exh. A., p. 17).

12 22. On January 26, 2007, Hollis filed an appeal bearing institutional number SVSP-D-07-
13 00720 that was granted in part at the first and second levels of review. (See Exh. A., p. 17).

14 23. On March 13, 2007, Hollis filed an appeal bearing institutional number SVSP-D-07-
15 01432 that was granted in part at the first and second levels of review. (See Exh. A., p. 17).

16 24. On March 14, 2007, Hollis filed an appeal bearing institutional number SVSP-C-07-
17 01132 that was granted in part at the second level of review. (See Exh. A., p. 16).

18 25. On March 19, 2007, Hollis filed an appeal bearing institutional number SVSP-D-07-
19 01249 that was granted in part at the second level of review. (See Exh. A., p. 17).

20 I declare under penalty of perjury that the foregoing is true and correct. Executed
21 at Soledad, California, on 2 / 1, 2008.

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24 
25 E. MEDINA